

REMARKS

Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claims 1-27 are pending in this case. Claims 9-19 have been withdrawn from further consideration as being drawn to a non-elected invention. Claims 1-8 and 20-27 have been examined on merits. Claims 1-8 and 27 have been rejected. Claims 20-26 have been objected to. Claims 9-19 have now been canceled. Claims 8 and 27 have now been amended.

Before referring to each of the Examiner's rejections and objections, Applicant wishes to thank the Examiner for his kind attention and responsiveness during the telephone interview conducted on April 25, 2006.

In this interview, the Examiner has agreed with the Applicant's that in view of the differences between the compounds as claimed in claims 1 and 20, which the Examiner has overlooked while formulating the outstanding Official Action, claim 20, as well as claims 21-26 that depend therefrom, are allowable and no further amendments thereto are required in this regard. It was further agreed that upon amending claims 8 and 27 so as to recite statins as the only additional active ingredient co-administered with the claimed compounds, claims 1-8 and 27 would also be allowable.

35 U.S.C. §112 First Paragraph Rejections

The Examiner has maintained his rejection to claims 1-8 and 27 under 35 U.S.C. §112, first paragraph, and has stated that elimination of the limitations "anti-inflammatory compounds", "analgesics", "growth factors", "toxins" and "tolerizing agents" would obviate the rejection.

Claims 8 and 27 have now been amended according to the Examiner's request.

Applicant therefore believes to have overcome the Examiner's rejection in this respect.

Claim objections

In one particular, the Examiner has stated that claims 9-19 are objected to as being non-elected invention and that elimination of these claims would obviate the objection. Claims 9-19 have now been canceled.

In another particular, the Examiner has stated that claims 20-26 are objected to as not consistence with the scope of claim 1 and has referred to the term "cardiovascular disease".

As has been agreed during the above-mentioned interview, the objection to claim 20 should be withdrawn since the compounds claimed in claim 20 clearly differ from the compounds claimed in claim 1 by defining the presence of an oxidized moiety at position sn-2 (as reflected by the definition of the variable R2 in the general formula). Since none of the cited prior art documents teaches the use of the compounds as claimed in claim 20 in the treatment of atherosclerosis, cardiovascular disease, cerebrovascular disease, peripheral vascular disease, stenosis, restenosis and/or in-stent-stenosis, the subject matter of claim 20 is not covered by any of the prior art documents (Smal et al. in particular). Thus, the scope of claim 20 as currently on file, including the term "cardiovascular disease", is allowable and no further amendments are required.

Applicant therefore believes that claims 20-26 are allowable.

In view of the above amendments and remarks it is respectfully submitted that claims 1-7, amended claim 8, claims 20-26 and amended claim 27 are now in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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